



ROCKFORD POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 1.06

TITLE: RESPONSE TO RESISTANCE

SERIES NUMBER: 1 - ADM

SERIES TITLE: ADMINISTRATION

TOPICS / REFERENCE: DEADLY FORCE, USE OF GUN, USE OF FIREARM, USE OF LESS DEADLY FORCE, INVESTIGATION OF DEADLY FORCE INCIDENTS

APPENDICES: A, B

ORIGINAL EFFECTIVE / ISSUE DATE: AUGUST 02, 2006

DATE OF LAST REVISION: FEBRUARY 8, 2021

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED

POLICY:

The Rockford Police Department recognizes the value of human life and is committed to respecting human rights and the dignity of every individual. This policy prohibits personnel from using unreasonable force. This policy requires personnel to intervene in situations where they reasonably believe, based on the totality of the circumstances, that other personnel are subjecting a person to unreasonable force. Personnel who use unreasonable force are subject to discipline for violating Departmental policy. Federal and state laws also provide for civil liability and possible criminal sanctions against personnel who use unreasonable force.

- ✓ The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- ✓ Department members will act with a high degree of ethics, professionalism, and respect for the public. Members shall act in a manner that promotes trust between the Department and the communities that it serves.
- ✓ Department members, in acting with a high degree of ethics and professionalism, should refrain from using derogatory or discriminatory language while interacting with the members of the public while on duty.

PURPOSE:

The purpose of this order is to set forth the Rockford Police Department's policy and procedures for Departmental personnel's response to resistance.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered section:

- I. DEFINITIONS AND TERMINOLOGY
- II. FORCE OPTIONS
- III. DUTY TO INTERVENE
- IV. PROVIDING MEDICAL TREATMENT
- V. DESTRUCTION OF ANIMALS
- VI. TRAINING
- VII. MENTAL HEALTH
- VIII. VEHICLE PURSUITS

APPENDICES:

- A. [USE OF FORCE DOCUMENTATION GUIDE](#)
- B. [CRITICAL DECISION-MAKING MODEL](#)

I. DEFINITIONS AND TERMINOLOGY:

- A. **Deadly Force:** That force which can reasonably be expected to cause death or great bodily harm.
- B. **Officer:** Members of the Department who are dedicated by oath to the law enforcement profession and who possess the power of arrest.
- C. **Chokehold:** A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation by applying any direct pressure to the throat, windpipe or airway of another with the intent to reduce or prevent the intake of air. Chokehold does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
- D. **Critical Decision-Making Model:** This model provides Officers with an easy to use thought process for quickly analyzing and responding appropriately to a range of incidents. The model guides Officers through collecting information, assessing the situation, threats and risks, considering police powers and agency policy, identifying options and determining the best course of action, and acting, and reviewing and re-assessing the situation. [\(SEE CRITICAL DECISION-MAKING MODEL\)](#)
- E. **De-escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

- F. Firearm discharges:** The act of discharging a firearm loaded with lethal ammunition. Firearm discharges are classified as:
1. **Lethal:** An intentional firearm discharge at a person, regardless of injury.
 2. **Discharge at an animal:** A firearm discharge for the purpose of dispatching an injured or vicious animal.
 3. **Unintentional:** A firearm discharge that occurred as a result of an unintentional trigger pull or other unexpected external cause.
 4. **Other firearm discharge:** No use of force investigation is required for any of the following:
 - a. An intentional discharge while at a range facility
 - b. A discharge while engaged in a lawful recreational activity such as hunting or target practice
 - c. A discharge at an object (e.g. street light, alarm box, door lock, or vehicle tire) to accomplish a tactical police purpose that does not result in injury.
 5. **Warning Shots:** Under no circumstances are warning shots permissible.
- G. Impact Weapons:** Any object that is used or designed to be used to apply force to an individual by coming into physical contact with that individual. Hand held impact weapons include the wooden baton, the expandable baton and may include impromptu weapons.
- H. Imminent Threat:** Imminent threat refers to an impending threat or resistance that an officer reasonably believes will occur, based on the totality of circumstances. Imminent is not limited to immediate or instantaneous. A person may pose an imminent threat even if that person is not pointing a weapon at the officer. A person is an imminent threat if the person is reasonably perceived by an officer to have the present means, intent, opportunity, and ability to complete the threat, regardless of whether the threatened action has been initiated.
1. **Intent:** The subject's apparent desire, which can be indicated by words, body language, or actions.
 2. **Means:** The instrument, mechanical or physical, that may be used to cause injury.
 3. **Opportunity:** The time and/or place which allows the subject to use the means to cause injury.
 4. **Ability:** The subject has the capability to carry out the action or threat.
- I. Less-lethal force:** Any use of force, other than deadly force, which by design and application is less likely to cause great bodily harm or death. However, the possibility of an unintended lethal outcome, although rare, exists. Less-lethal force includes the application of chemical munitions, baton (wood or expandable), Taser Conducted Electrical Weapon (CEW), or extended range impact weapons (ERIW).

J. Lethal Ammunition: Ammunition that is, by design and application, intended to cause great bodily harm or death.

K. Medical Treatment:

- 1. First aid:** First aid refers to medical attention that is usually administered immediately after the injury occurs and at the location where it occurred. It often consists of a one-time, short-term treatment. First aid can include cleaning minor cuts, scrapes, or scratches, treating a minor burn, applying bandages and dressings, removing debris from the eyes, drinking fluids to relieve heat stress, or providing an ice pack. First aid may be administered by Rockford Police Department personnel or a medical professional.
- 2. Emergency Medical Treatment:** Any treatment beyond first-aid, including Cardio-Pulmonary Resuscitation (CPR) and rescue breathing, administered by Rockford Police Department personnel or a medical professional including the following: physicians, physician assistants, nurses (RN), paramedics, emergency medical technicians (EMT), Fire Department personnel; and
- 3. Inpatient Care:** Managed care services delivered to a patient who needs physician care for more than 24 hours in a hospital.

L. Reasonable Belief: Facts, circumstances or knowledge present to the officer sufficient to justify a thought or feeling.

M. Reasonable Force: Force that is objectively reasonable based upon the totality of the circumstances. The standard used to determine objectively reasonable force is articulated in the United States Supreme Court decision, [Graham v. Connor, 490 U.S. 386 \(1989\)](#). The Graham decision holds that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, without regard to the officer's underlying intent or motivation. The determination of reasonableness must be based on the totality of circumstances and must include a consideration that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Personnel are not required to use the least assertive option and shall consider the following criteria when determining which level of force to use:

- 1.** The officer's legal justification for stopping the suspect;
- 2.** The severity of the crime known to the officer at the time force was used;
- 3.** Whether the subject was an immediate threat to the officers or others;
- 4.** How the subject was actively resisting arrest; and
- 5.** How the subject was attempting to evade arrest by flight.

N. Serious Bodily Injury:

1. A serious impairment of physical condition, such as:
 - a. Loss of consciousness;
 - b. Concussion;
 - c. Bone fracture;
 - d. Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ (includes paralysis); or
 - e. Wound requiring extensive suturing.

O. Specialty Impact Munitions:

1. Intermediate or long range less-lethal force options which may be hand delivered or propelled from specialized launching devices or firearms, which by design and application are intended to immobilize, incapacitate, or stun a human which is less likely to cause great bodily harm or death.

P. Subject:

1. The singular term “subject” is used, but it is understood that “subject” can refer to a single person, multiple individuals, or a crowd.

Q. Third Party:

1. The singular term “third party” may refer to person involved other than the officer or subject.

R. Use of Force:

1. Any physical or mechanical intervention used by an officer to defend, control, overpower, restrain, or overcome the resistance of an individual ([See Use of Force Documentation Guide](#)).

S. Verbal Persuasion:

1. A technique to control a subject’s action or behavior with words.

T. Violent Felony:

1. Any felony which involves:
 - a. Use of deadly force;
 - b. Force which creates a substantial risk or death of great bodily harm; or
 - c. The threatened use of deadly force coupled with the apparent ability to complete the threat.

U. Weaponless Defense Techniques:

1. A series of techniques an officer performs using movement and strength to defend against or control a resisting subject.

II. FORCE OPTIONS:

A. Department members may only use force that is objectively reasonable and necessary under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent an escape. What is objectively reasonable and necessary under the totality of the circumstances of each case determines the appropriate force option.

- ✓ Objectively reasonable: The main issue in evaluating every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the Officer on the scene. Reasonableness is not capable of precise definition or mechanical application. Factors to be considered by the Officer include but are not limited to:

- a. Whether the subject is posing an imminent threat to the member or others;
- b. The risk of harm, level of threat or resistance presented by the subject; and
- c. The subject's proximity or access to weapons

- ✓ Necessary: Officers will only use the amount of force required under the circumstances to serve a lawful purpose.

1. Deadly force: Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury:

- a. Firearm Discharges.
- b. Chokeholds;
 - i. Officers shall not use a chokehold in the performance of his or her duties unless deadly force is justified. Chokeholds are considered deadly force and shall only be used in these circumstances.
 - ii. Officers shall not use a chokehold, or any lesser contact with a person's throat or neck area, to prevent the destruction of evidence by ingestion.

2. Less-lethal force (includes but is not limited to):

- a. Police Patrol Canine;
- b. Impact Weapons (other than intentional strike to the head):
 - i. Wooden baton;
 - ii. Expandable baton;
 - iii. Specialty impact munitions; and
 - iv. Any other object used as an impact weapon.
- c. Taser;

- d. Weaponless Defense Techniques (includes but not limited to):**
 - i. Personal Weapons:**
 - A. Hand/palm/elbow strikes;**
 - B. Kicks;**
 - ii. Take-downs:**
 - A. Arm-bar takedown;**
 - B. Modified arm-bar takedown.**
 - iii. Control holds:**
 - A. Escort position;**
 - B. Wrist lock;**
 - C. Shoulder pin;**
 - D. Scarf hold.**
 - e. Chemical Munitions: either deployed by hand or launched via a specialty weapon, in a manner consistent with the Department's use of force policy:**
 - i. Oleoresin Capsicum (OC) or other chemical agent. The use of OC spray is for defense to assist in effecting an arrest. It may be used to:**
 - A. Control an aggressively resisting subject such as an involuntary commitment;**
 - B. Prevent an escape from arrest;**
 - C. Overcome resistance to arrest;**
 - D. Protect an officer or another person from bodily injury;**
 - E. Prevent an individual from injuring themselves;**
 - F. Prevent a suicide; and**
 - G. Restore order during a civil disturbance, at the direction of the incident commander.**
 - f. Other:**
 - i. Intentionally pointing a firearm at a person;**
 - ii. Handcuffing;**
 - iii. Verbal persuasion; and**
 - iv. Officer presence.**
- 3. De-Escalation:**
- a. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training, whenever possible and appropriate before resorting to force and to reduce the need for force.**

- b. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
- 4. Force levels: Refer to [General Order 1.16](#) or the proper level of force used for reporting and investigating purposes.

III. DUTY TO INTERVENE:

- A. Officers have a duty to intervene to prevent or stop the use of excessive force by another officer:
 - 1. Officers must recognize and must act upon their lawful duty to intervene in order to prevent or stop any officer from conducting any act that a reasonable officer under the circumstances would believe violates law. This includes, but is not limited to: excessive or unlawful force, unlawful behavior, abuses of authority or major violations of Department policy or procedure. If the employee is a supervisor, they will issue a direct order to stop any violation.
 - 2. Such interventions shall be reported to an appropriate supervisor without delay. Successful intervention does not negate a duty to report. Supervisors shall ensure that proper response and a follow up investigation is initiated in a prompt and efficient manner.
 - a. “Successful Intervention” is defined as an officer having to verbally or physically stop an ongoing violation of a citizen’s rights, to include excessive or unlawful force.
 - 3. The Department prohibits any form of retaliation, interference, intimidation or coercion against Department members executing their duty to intervene and report.
 - 4. This applies to an immediate and/or occurring incident and does not apply to Department planning or tactical strategizing sessions.
 - 5. Refer to [General Order 3.02 – Internal Investigations](#) for the policy and consequences on failing to report misconduct, including unnecessary use of force, committed by another officer.

IV. PROVIDING MEDICAL TREATMENT:

- A. Officers shall ensure that when necessary, or upon complaint of injury, medical aid is provided and/or professional medical assistance is summoned as soon as practical for any subject upon whom force has been used.

V. DESTRUCTION OF ANIMALS:

- A. While not in the category of deadly force against a person, an officer shall be authorized to discharge his firearm as necessary to kill a dangerous animal if the animal posed a threat to the officer or to others and there is no other practical way to eliminate or avoid the threat, or as a humanitarian measure when the animal is seriously injured. A supervisor will be summoned to the scene to assess the use of force. A general case report will detail all facts and circumstances of the shooting of the animal. A Level 4 Blue Team report will be completed by the officer that discharged his/her weapon.

VI. TRAINING:

- A. All Officers shall receive training, at least annually, on this agency's use of force policy and related legal updates. **(See also General Orders: [1.15 – Firearms Training Program / Firearms Qualification](#), [1.16 – Reporting and Investigating Response to Resistance](#), [4.01 – Intermediate Tools](#), [4.02 – Training](#))**
1. In addition, training shall be provided on a regular and periodic basis and is designed to;
 - i. Provide techniques for the use of and reinforce the importance of de-escalation;
 - ii. Simulate actual shooting situations and conditions; and
 - iii. Enhance Officers' discretion and judgment in using less lethal and deadly force in accordance with this policy.
- B. All use of force training shall be documented.

VII. MENTAL HEALTH:

- A. For policy on use of force in relation to dealing with individuals in enforcement situations who are known or suspected to have mental/emotional illness, refer to [General Order 2.01 – Dealing with Persons with Mental Illness](#).

VIII. VEHICLE PURSUITS:

- A. For policy on use of force in relation to vehicle pursuits, refer to
B. [General Order 2.04 – Vehicle Pursuits](#).

ALL GENERAL ORDERS REMAIN IN EFFECT UNTIL REVISED OR RESCINDED.

ANY MEMBER OF THE DEPARTMENT MAY, BY VIRTUE OF EXPERTISE OR POSITION OF FUNCTION, BE DESIGNATED TO AUTHOR OR PROVIDE SOURCE MATERIAL FOR A WRITTEN DIRECTIVE. THE OVERALL AUTHORITY TO ISSUE, MODIFY OR APPROVE WRITTEN DIRECTIVES IS DESIGNATED TO THE CHIEF OF POLICE. HOWEVER, AUTHORITY AND RESPONSIBILITY TO ISSUE DIRECTIVES IS DELEGATED TO THE FOLLOWING.

ALL GENERAL ORDERS ARE SCHEDULED TO BE REVIEWED ANNUALLY BY THE GENERAL ORDER REVIEW COMMITTEE AND WHEN NECESSARY, REVISED OR CANCELED IN ACCORDANCE WITH THE PROCEDURES FOR REVIEWING WRITTEN DIRECTIVES ESTABLISHED IN GENERAL ORDER 1.10 – WRITTEN DIRECTIVES.

ALL NEW AND REVISED GENERAL ORDERS SHALL BE APPROVED BY THE CHIEF OF POLICE BEFORE ISSUE/REISSUE.

ANY EMPLOYEE WITH SUGGESTIONS FOR REVISIONS AND/OR IMPROVEMENTS TO THIS ORDER ARE ENCOURAGED TO SUBMIT THEIR IDEAS TO THEIR RESPECTIVE DISTRICT COMMANDER OR BUREAU CHIEF.

BY ORDER OF

02/08/2021

Daniel G. O'Shea

Chief of Police